

## UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia

Alexandria Division

Damian D. Phillips*Plaintiff(s)*

*(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

-v-

Loudoun county Public Schools, Loudoun County  
Public School Board, and Loudoun County*Defendant(s)*

*(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

Case No. 1:19cv501*(to be filled in by the Clerk's Office)*TSE/MSNJury Trial: (check one) ☒ Yes ☐ No

## COMPLAINT FOR EMPLOYMENT DISCRIMINATION

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Damian D. Phillips</u>
Street Address	<u>3 Stone Springs LN</u>
City and County	<u>Middletown</u>
State and Zip Code	<u>Maryland, 21769</u>
Telephone Number	<u>240-490-8554</u>
E-mail Address	<u>d_phil1210@hotmail.com</u>

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title *(if known)*. Attach additional pages if needed.

## Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

## Defendant No. 1

Name	Loudoun County Public Schools
Job or Title <i>(if known)</i>	
Street Address	21000 Education Court
City and County	Ashburn
State and Zip Code	Virginia, 20148
Telephone Number	571-252-1020
E-mail Address <i>(if known)</i>	

## Defendant No. 2

Name	Loudoun County Public School Board
Job or Title <i>(if known)</i>	
Street Address	Administration Building 21000 Education Court
City and County	Ashburn
State and Zip Code	Virginia, 20148
Telephone Number	571-252-1020
E-mail Address <i>(if known)</i>	

## Defendant No. 3

Name	Loudoun County
Job or Title <i>(if known)</i>	
Street Address	1 Harrison Street SE,
City and County	Leesburg
State and Zip Code	Virginia, 20175
Telephone Number	703-777-0100
E-mail Address <i>(if known)</i>	

## Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

**C. Place of Employment**

The address at which I sought employment or was employed by the defendant(s) is

Name	Loudoun County Public Schools
Street Address	21000 Education Court
City and County	Ashburn
State and Zip Code	Virigina, 21769
Telephone Number	571-252-1020

**II. Basis for Jurisdiction**

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

*(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

- ☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

*(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)*

- ☒ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

*(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

- ☐ Other federal law *(specify the federal law)*:

- ☐ Relevant state law *(specify, if known)*:

- ☐ Relevant city or county law *(specify, if known)*:

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☒ Failure to hire me.
- ☐ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts *(specify)*: \_\_\_\_\_

*(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)*

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

School year of 2015, on-going, on or about July 17, 2017 August 12, 2017, on or about September 28-29, 2017, October 31, 2017.

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C. I believe that defendant(s) *(check one)*:

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race Racial and Disability Slur
- ☐ color \_\_\_\_\_
- ☐ gender/sex \_\_\_\_\_
- ☐ religion \_\_\_\_\_
- ☐ national origin \_\_\_\_\_
- ☐ age *(year of birth)* \_\_\_\_\_ *(only when asserting a claim of age discrimination.)*
- ☒ disability or perceived disability *(specify disability)*  
Permanent Muscular Dystrophy & Nerve Damages

E. The facts of my case are as follows. Attach additional pages if needed.

I am a African American male who started working for Loudoun County Public Schools in August 2014, as a Teaching Assistant, and as the Head Freshman Football Coach at Freedom High School. Doug Fulton, (Caucasian), and Chudhry, Neelum (Unknown), were the Principals at FHS at the time. Prior to resigning, I submitted compliants and emails regarding the dissatisfaction of the misconduct regarding the Administrative staff at Freedom High School. I resigned my position(s) because of my disability illness and other, as of July 7, 2015, in writing, and left the school division in good standing (Without Prejudice). Therefore, I later re-applied for several new teaching and coaching jobs, that I was fully qualified for and was rejected each time. In addition to that, Loudoun County High School had already retain me for their JV Head Basketball Coaching position on or about (September 4<sup>th</sup>, 2017). Moreover, I had started coaching Pre-Season Games with the Student Athletes. Furthermore, there were other promotional teaching and coaching opportunities that I was abruptly removed from; (South Lakes High School year of 2017, Fairfax County, Dominion High School Loudoun County, both teaching and coaching, etc.). I believe that the personal beliefs about race, people with disabilities, and the ability to utilize my Performance Evaluation falsely #6 as a misleading PRETEXT to retaliate, impacted me getting fair consideration for these positions. Not only that, there were no evidence or observation to support these findings. I was released to return to work.

*(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)*

#### IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

The Charge was filed July 24, 2018. I did not sit with the EEOC Investigator for interview.

- B. The Equal Employment Opportunity Commission (check one):

- ☐ has not issued a Notice of Right to Sue letter.  
☒ issued a Notice of Right to Sue letter, which I received on (date) 1/29/2019.

*(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)*

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

- ☐ 60 days or more have elapsed.  
☐ less than 60 days have elapsed.

**V. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

1. Immediate and Permanent Injunctive relief against each Defendant from engaging in any further discriminatory activity as outlined in this complaint;
2. Back pay in an amount to be determined;
3. Compensatory damages for the emotional distress, and humiliation that these actions of the Defendants has caused me;
4. Punitive damages;
5. Reasonable Attorney fees should I retain counsel to represent me; and
6. Any other relief the court deems.

The amount in controversy exceeds \$ 75,000.00 because of at least two lost job opportunities (with benefits) from South Lakes High School, Dominion High School; other potential job opportunities that I was not allowed to interview for; and I believe I am owe for the way that I was treated.

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**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 4/24/2019

Signature of Plaintiff

Printed Name of Plaintiff

  
Damian D. Phillips

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**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney \_\_\_\_\_

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

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Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Damian D. Phillips**  
**3 Stone Springs Ln**  
**Middletown, MD 21769**

From: **Washington Field Office**  
**131 M Street, N.E.**  
**Suite 4NW02F**  
**Washington, DC 20507**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**570-2018-01793**

**Magda Gomez,**  
**Investigator**

**(202) 419-0733**

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)


## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

  
**Mindy E. Weinstein,**  
**Acting Director**

**JAN 29 2019**

Enclosures(s)

(Date Mailed)

cc:

**Stephen L. DeVita**  
**Division Counsel**  
**Loudoun County School Board**  
**21000 Education Court**  
**Ashburn, VA 20148**





**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**Washington Field Office**

131 M Street, N. E., Suite 4NW02F

Washington, D. C. 20507

Intake Information Group: (800) 669-4000

Intake Information Group TTY: (800) 669-6820

Washington Status Line: (866) 408-8075

Washington Direct Dial: (202) 419-0713

TTY (202) 419-0702

FAX (202) 419-0740

Website: [www.eeoc.gov](http://www.eeoc.gov)

AUG 27 2018

**NOTICE OF INTENT TO RECONSIDER**

TO: Mr. Damian Phillips  
3 Stone Springs Lane  
Middletown, MD 21769

Loudoun County Public Schools  
21000 Education Court  
Ashburn, VA 20148

RE: Damian Phillips v Loudoun County Public Schools  
EEOC Charge Number 570-2018-01793

The EEOC will reconsider an EEOC determination where substantial new relevant evidence is presented that would warrant a change in the determination, or if the EEOC's decision was contrary to the law or facts. I have considered the position expressed in the request for reconsideration and reviewed the circumstances regarding this matter, and I find that there is a basis for reconsidering the determination that was issued.

The Dismissal and Notice of Rights to Sue, issued July 30, 2018, was issued in error, as Respondent was a government agency. A Notice of Rights to Sue regarding a government agency must be issued by the U.S. Department of Justice.

Please be advised that the Notice of Rights to Sue that was issued on July 30, 2018, is hereby rescinded. The statutory 90 day period for pursuing this matter in court is revoked, and EEOC is forwarding the charge to the U.S. Department of Justice for their review and issuance of the Right to Sue.

FOR A handwritten signature in black ink, appearing to read "Mindy E. Weinstein", is written over a horizontal line.

Mindy E. Weinstein  
Acting Director

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
\_\_\_\_\_ DIVISION

Damian D. Phillips  
Plaintiff(s),

v.

Civil Action Number: 19CV501

Loudoun County Public School, et al  
Defendant(s).

LOCAL RULE 83.1(M) CERTIFICATION

I declare under penalty of perjury that:

No attorney has prepared, or assisted in the preparation of Complaint.  
(Title of Document)

Damian D. Phillips  
Name of Pro Se Party (Print or Type)  
Damian D. Phillips  
Signature of Pro Se Party

Executed on: 4/24/19 (Date)

OR

The following attorney(s) prepared or assisted me in preparation of \_\_\_\_\_.  
(Title of Document)

\_\_\_\_\_  
(Name of Attorney)

\_\_\_\_\_  
(Address of Attorney)

\_\_\_\_\_  
(Telephone Number of Attorney)  
Prepared, or assisted in the preparation of, this document

\_\_\_\_\_  
(Name of Pro Se Party (Print or Type)

\_\_\_\_\_  
Signature of Pro Se Party

Executed on: \_\_\_\_\_ (Date)